

JAMES LEE PRICE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

THIS MATTER comes before the Court on Plaintiff’s motion for attorney’s fee under 28 U.S.C. § 2412, the Equal Access to Justice Act (Doc. No. 20), related Stipulation for Payment (Doc. No. 23), and Motion for Attorney’s Fees under 42 U.S.C. § 406(b), the Social Security Act (Doc. No. 25).

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With respect to Plaintiff's Motion for Attorney's Fees under 42 U.S.C. § 406(b), the Social Security Act (Doc. No. 25), Plaintiff contends that he is entitled to attorney's fees in the amount of \$23,090.50, which represents less than 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant filed a "Neutral 406(b) Response" in which it stated that it "neither supports nor opposes" the motion. (Doc. No. 26). The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff's Motion, the Court will grant the Plaintiff's Motion for Attorney's Fees under 42 U.S.C. § 406(b). (Doc. No. 25).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees under 28 U.S.C. § 2412 (Doc. No. 20) is **GRANTED** and Plaintiff's Motion for Attorney's Fees under 42 U.S.C. § 406(b) (Doc. No. 25) is **GRANTED**. Plaintiff's counsel shall refund the \$5,090.00 EAJA fee to Plaintiff.

Signed: November 16, 2021



Robert J. Conrad, Jr.
United States District Judge

